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Claim ObjectionREMARKS

Applicants have corrected claim 15, line 7 to read "at least" as requested by Examiner.

Lagnier '002

The withdrawal of the rejection of the claims under 35 U.S.C. 103(a) based on Lagnier 002 is duly noted and appreciated.

35 U.S.C. § 102(b)

Claims 1, 4-7, 9-10, 15-16, 18-19 and 21-22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Japan 509 (JP 2002-321509). This rejection is respectfully traversed for the following reasons.

Japan 509 discloses a tire with a tread defined by blocks having at least one sipe therein. The sipe has a wavy configuration in the along the length of the sipe, and alternating inclined sections S1, S2 along the depth of the sipe. The superimposition of the alternating depth sections S1, S2 on the wavy configuration creates a series of alternating peaks along the depth of the sipe along a line, extending along the length of the sipe, created at the radial ends of the two depth sections S1, S2. Thus alternating peaks are created at the sipe tread surface, at the intersections of the depth sections S1, S2, and at the sipe base as seen in Fig 2 of Japan 509.

In a variation of the sipe 10, Japan 509 teaches that between the intersections of inclined depth section S1, S2, a straight depth section S4 may be employed. Thus, for short depth sections of the sipe, the sipe having a concave/convex, i.e. wavy, length profile, is not included relative to the radial plane of the tire. While Japan 509 does not illustrate the combination of Figure 3a with the disclosed sipe variations of Figures 4a-4c, the surface profile illustrated in Figure 3a is applicable for the sipe variations of Figures 4a-4c. Thus, the inclusion of depth sections S4 as illustrated in Figure 4C results in the sipe having short depth sections of the concave/convex sipe being parallel to the radial plane of the tire. The inclusion of the short depth sections S4 in the sipe 10 of Japan 509 does not inherently result in Applicants' recited planar vertex. The tips of the modified sipe of Japan 509, Figure 4c, still are concave or convex.

In paragraph 15 of the translation of Japan 509, there is discussion of a "square wave" formed by a "combined the straight line and the curve by turns." The square wave is in

regards to "a cross-section configuration *perpendicular to the concavo-convex train.*" Every reference to a "train" by Japan 509 is in reference to the shape of the sipe at the tread surface, see paragraph 11. Thus the cross-section configuration perpendicular to the train is the depth configuration of the sipe, as seen in Figure 3b and 3c, not the trace of the sipe at the tread surface as asserted in the rejection. So even with a "square wave" in the depth direction, there are still concave/convex crownings in the sipe along the length direction, and even with the short depth sections S4 added to the sipe, the sipe 10 of Japan 509 does not result in planar vertex. There are planes formed in the sipe 10 of Japan 509 that result in protrusions and recesses – but the protrusions and recesses have concave and convex shapes.

As Japan 509 fails to anticipate the invention as recited in claims 1, 4-7, 9-10, 15-16, 18-19 and 21-22, it is respectfully requested that this rejection be withdrawn.

35 U.S.C. § 103(a)

Claims 1, 4-7, 9-10, 13 and 21-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Japan 509. This rejection is respectfully traversed for the following reasons.

The 103 rejection of the claims based on Japan 509 relies on the combination of an "undulating configuration" in combination with the straight depth sections of Figure 4c. However, as discussed above, this does not inherently result in planar vertices. Nor does the combination as asserted in the 103 rejection "suggest" the isolated and spaced planar vertices as recited. Japan only suggests that a continuous depth along a wavy or undulating configuration be parallel to the radial depth of the tire. As Japan 509 consistently teaches a wavy / zig-zag / concave-convex sipe along the length of the sipe, there is no suggestion of forming isolated planar vertices.

As Japan 509 fails to teach or suggest a claimed element of Applicants' invention, Japan 509 fails to establish *prima facie* obviousness of the invention as recited in claims 1, 4-7, 9-10, 13 and 21-22. It is respectfully requested that the rejection be withdrawn.

Dependent claims 8, 11, 12, 14-16, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japan 509 and in view of multiple secondary references (Heinen (WO 99/48707), Lagnier 002, Maitre, and Lagnier '126).

These rejections are respectfully traversed for failing to establish *prima facie* obviousness for the following reason.

As the defendant claims incorporate the subject matter of either independent claim 1 or independent claim 15, and Japan 509 fails to anticipate or establish *prima facie* obviousness for independent claims 1 or 15, any rejection of the dependent claims based on Japan 509 also fails. Applicants do not concede the obviousness of any not specifically argued dependent claim.

Applicants believe all of the claims pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,



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